

## **REMARKS**

### ***Pending claims***

Claims 1, 3, and 7-8 have been amended to more clearly point out and distinctly claim the invention. Six (6) claims (claims 1, 3-4, and 7-9) remain pending to be examined in this application through this Amendment.

### ***Claim objection***

Objection of claims 3-4 and 7-9 has been overcome by the amendment of claims 3 and 7-8.

### ***Claim Rejection under 35 USC §102***

Claims 1, 3-4, and 7-9 were rejected under 35 U.S.C 102 (b) as being anticipated by Müller (US Pat. No. 6,303,687). For the following reasons, the Examiner's rejection is respectfully traversed.

Applicants respectfully submit that the present invention as currently claimed is not anticipated by Müller, because Müller alone *does not* disclose all of the claimed elements. The invention as currently claimed is directed to a composition for making an ophthalmic device, the composition comprising a water-soluble polyvinyl alcohol having crosslinkable groups and component (b) which is one or more members selected from the group consisting of nanoparticles having a hydrophilic surface, a copolymer composed of hydrophilic vinylic monomer units and hydrophobic vinylic monomer units, a non-crosslinkable polyurethane, a crosslinkable polyurethane with vinyl groups, and mixtures thereof. As currently claimed, the hydrophilic vinylic monomer units of the copolymer are derived from the group consisting of hydroxy-substituted alkylmethacrylate, hydroxy-substituted alkylacrylate, N-vinyl-lactams, N,N-dialkyl-methacrylamide, and a mixture thereof and the hydrophobic vinylic monomer units of the copolymer are derived from the group consisting of a C<sub>1</sub>-C<sub>18</sub>-alkylacrylate, a C<sub>1</sub>-C<sub>18</sub>-alkylmethacrylates, a di-C<sub>1</sub>-C<sub>7</sub> alkylamino-C<sub>1</sub>-C<sub>7</sub> alkylacrylate, an acrylonitrile, a methacrylonitrile, a vinyl-C<sub>1</sub>-C<sub>18</sub>-alkanoate, a C<sub>2</sub>-C<sub>18</sub>-alkenes, a C<sub>2</sub>-C<sub>18</sub>-halo-alkenes, styrene, a C<sub>1</sub>-C<sub>6</sub>-alkylstyrene, a vinylalkylether in which the alkyl moiety has 1 to 6 carbon atoms, a C<sub>2</sub>-C<sub>10</sub>-perfluoralkylacrylate, a C<sub>2</sub>-C<sub>10</sub>-perfluoralkylmethacrylates, an acryloxyalkylsiloxane, a methacryloxy-alkylsiloxane, glycidyl methacrylate, butoxyethylacrylate, a mixture thereof. It is true that Müller discloses some copolymers to be blended with a water-soluble, crosslinkable polyvinyl alcohol. But, the blending copolymers disclosed in Müller are **different from** the copolymer specified in the present invention, because the hydrophilic monomer units of

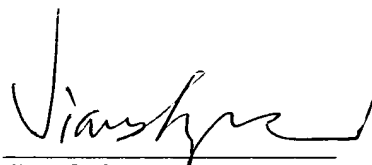
Müller's copolymer contain units other than the members of the group consisting of hydroxy-substituted alkylmethacrylate, hydroxy-substituted alkylacrylate, N-vinyl-lactams, N,N-dialkylmethacrylamide, and a mixture thereof. Namely, Müller's copolymers comprises hydrophilic monomers units of formula (I), (III), and/or (IV). Therefore, Müller does not disclose nor suggest anything about a component which is a copolymer composed of hydrophilic vinylic monomer units and hydrophobic vinylic monomer units, wherein the hydrophilic vinylic monomer units are derived from the group consisting of hydroxy-substituted alkylmethacrylate, hydroxy-substituted alkylacrylate, N-vinyl-lactams, N,N-dialkylmethacrylamide, and a mixture thereof and the hydrophobic vinylic monomer units are derived from the group consisting of a C<sub>1</sub>-C<sub>18</sub>-alkylacrylate, a C<sub>1</sub>-C<sub>18</sub>-alkylmethacrylates, a di-C<sub>1</sub>-C<sub>7</sub> alkylamino-C<sub>1</sub>-C<sub>7</sub> alkylacrylate, an acrylonitrile, a methacrylonitrile, a vinyl-C<sub>1</sub>-C<sub>18</sub>-alkanoate, a C<sub>2</sub>-C<sub>18</sub>-alkenes, a C<sub>2</sub>-C<sub>18</sub>-halo-alkenes, styrene, a C<sub>1</sub>-C<sub>6</sub>-alkylstyrene, a vinylalkylether in which the alkyl moiety has 1 to 6 carbon atoms, a C<sub>2</sub>-C<sub>10</sub>-perfluoralkylacrylate, a C<sub>2</sub>-C<sub>10</sub>-perfluoralkylmethacrylates, an acryloxyalkylsiloxane, a methacryloxy-alkylsiloxane, glycidyl methacrylate, butoxyethylacrylate, a mixture thereof, wherein the percentage of the hydrophobic vinylic monomer units of the copolymer is sufficient high to impart at least one desired physical property to said ophthalmic device, wherein the percentage of the hydrophilic monomer units of the copolymer is sufficient high to render the copolymer miscible with the water-soluble polyvinyl alcohol. Therefore, Applicants respectfully submit that Claims 1, 3-4, and 7-9 are not anticipated by Müller and respectfully request withdrawal of this rejection.

### **CONCLUSION**

In view of the foregoing and in conclusion, Applicants submit that the pending claims are now in conditions for allowance. Applicants request reconsideration and withdrawal of the rejections set-forth in the Office Action. Applicants further request consideration of claims 5-6 and 10-15 to additional species which are written in dependent form, the generic claims upon which they depend are allowable.

Should the Examiner believe that a discussion with Applicants' representative would further the prosecution of this application, the Examiner is respectfully invited to contact the undersigned. Please address all correspondence to Robert Gorman, CIBA Vision, Patent Department, 11460 Johns Creek Parkway, Duluth, GA 30097. The Commissioner is hereby authorized to charge any other fees which may be required under 37 C.F.R. §§1.16 and 1.17, or credit any overpayment, to Deposit Account No. 50-2965.

Respectfully submitted,



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